

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-4-81

Time 4:00 p.m.

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FEB 26 10 50 AM '81

OFFICE OF THE GOVERNOR

No: 713

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

ENROLLED

Comm. Sub. for
HOUSE BILL No. 713

(By Mr. Harley)

— ● —

Passed February 24, 1981

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 713

(By MR. FARLEY)

[Passed February 24, 1981; in effect ninety days from passage.]

AN ACT to amend article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to privileged communications between clergyman and parties to actions.

Be it enacted by the legislature of West Virginia:

That article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:

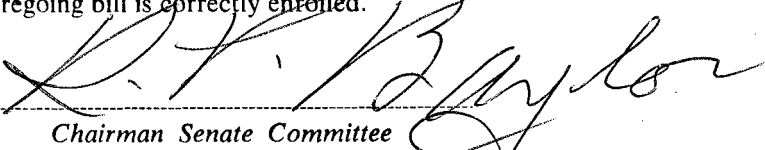
ARTICLE 2. DIVORCE, ANNULMENT AND SEPARATE MAINTENANCE.

§48-2-10a. Communications between clergyman and party.

1 In any action brought pursuant to the provisions of this
2 article, no priest, minister, rabbi or other clergyman, as de-
3 fined in section twelve-a of article one of this chapter, of any
4 religious denomination or organization who is not a party to
5 said action shall be compelled to testify regarding any com-

6 munications or statements made to such clergyman in his
7 capacity as spiritual counselor or spiritual adviser by a party
8 to said action, if (a) both the clergyman and the party making
9 such communications or statements claim that the communi-
10 cations or statements were made to the clergyman in his
11 capacity as a clergyman and spiritual counselor or spiritual
12 adviser to such party; and (b) no person, other than the
13 clergyman, such party and the spouse of such party, was
14 present when such communications or statements were made;
15 and (c) the party making such communications or statements
16 does not either consent to their disclosure or otherwise waive
17 the privilege granted by this section: *Provided*, That the
18 privilege granted by this section shall be in addition to and
19 not in derogation of any other privileges recognized by law.

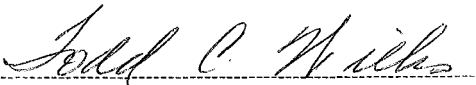
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

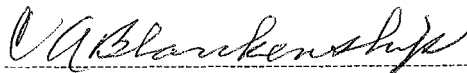


Chairman Senate Committee


Chairman House Committee

Originated in the House.

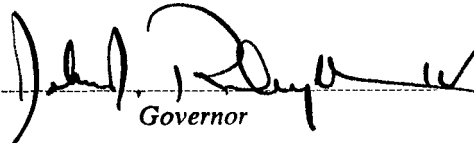
Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates

President of the Senate


Speaker House of Delegates

The within is approved this the 4
day of March, 1981.


Governor

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SECY. OF STATE